

RECEIVED FEB 16.

DATE PRINTED :12/15/2006
CASE REPORT #:WP-01565-06

THIS DEPOSITION IS BEING GIVEN TO SUPPORT THE CRIMINAL PROSECUTION OF JOHN J. RUSZKIEWICZ IN THE LOCAL JUSTICE COURT OF THE TOWN OF WARWICK, COUNTY OF ORANGE, STATE OF NEW YORK.

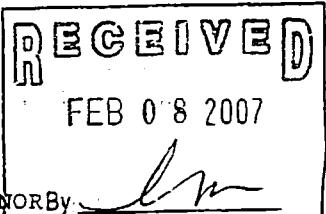
ON DECEMBER 15, 2006 AT APPROXIMATELY 1:00 PM, I, OFFICER LORI LAUER OF THE UNITED STATES FISH AND WILDLIFE SERVICE, WAS ADVISED BY WALLKILL NATIONAL WILDLIFE REFUGE (NWR) MANAGER EDWARD HENRY THAT HE RECEIVED A PHONE CALL FROM AN INDIVIDUAL, JOHN RUSZKIEWICZ, WHO OWNS PROPERTY DOWN FROM THE NWR STATING THAT HE WAS GOING TO DREDGE A DITCH THAT WAS SUPPOSEDLY FLOODING HIS PROPERTY. HENRY INFORMED ME THAT THE NWR HAD PROBLEMS WITH THIS INDIVIDUAL IN THE PAST, AND THAT HE WAS CONCERNED THAT RUSZKIEWICZ WOULD ACTUALLY DREDGE THE NWR DITCH. HENRY ASKED ME TO ENSURE THAT RUSZKIEWICZ WAS NOT ACTUALLY DREDGING THE DITCH AND TO INFORM HIM THAT HE COULD NOT TRESPASS ONTO THE NWR AND DREDGE THE DITCH.

UPON DRIVING ONTO LIBERTY ROAD IN THE TOWN OF WARWICK, COUNTY OF ORANGE, STATE OF NEW YORK, WITH MY FULLY MARKED LAW ENFORCEMENT VEHICLE I OBSERVED AN INDIVIDUAL STANDING OUTSIDE A GREEN CHEVROLET PICKUP TRUCK LOOKING AT DITCHES ON THE NWR. I ACTIVATED MY LAW ENFORCEMENT LIGHTS AS THE INDIVIDUAL STEPPED INTO THE PICKUP TRUCK TO TALK TO HIM BECAUSE HE WAS IN AN AREA THAT WAS CLOSED TO THE PUBLIC AND ON A FEDERAL NWR ROAD.

I WALKED UP TO THE VEHICLE IN FULL POLICE UNIFORM AND IDENTIFIED MYSELF TO THE INDIVIDUAL. I ASKED THE INDIVIDUAL WHAT HE WAS DOING, AND HE ADVISED ME THAT HE WAS TAKING PICTURES OF THE DITCHES THAT WERE "FLOODING HIS PROPERTY". I THEN ASKED THE INDIVIDUAL IF HIS NAME WAS JOHN RUSZKIEWICZ, HE STATED THAT IT WAS. I THEN STATED THAT I NEEDED TO TALK TO HIM ABOUT A PHONE MESSAGE THAT WAS LEFT ON REFUGE MANAGER EDWARD HENRY'S PHONE IN REGARDS TO DREDGING A NWR DITCH. RUSZKIEWICZ STATED HE DID LEAVE THE MESSAGE AND HE WAS INDEED GOING TO DREDGE THE NWR PROPERTY TO DRAIN THE WATER. RUSZKIEWICZ CONTINUED TO EXPLAIN TO ME IN A VERY LOUD VOICE THAT HE WAS GOING TO DO WHAT NEEDED TO GET DONE. I INFORMED RUSZKIEWICZ THAT I UNDERSTOOD HIS FRUSTRATION ABOUT THIS SITUATION BUT I NEEDED TO TALK TO HIM ABOUT THE SITUATION. HE STATED HE WAS GOING TO DREDGE THE DITCH AND HE DID NOT CARE AGAIN. AT THIS TIME IT APPEARED THAT RUSZKIEWICZ WAS GETTING VERY UPSET BY RAISING HIS VOICE AND POINTING AT ME WITH HIS FINGER. I TOLD RUSZKIEWICZ TO COOL DOWN, AND HE TOLD ME WAS "COOL AS PICKLE". I STATED TO RUSKIEWICZ I NEEDED TO EXPLAIN TO HIM THAT HE WAS NOT TO

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FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR BY
PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

WITNESS:

LORI A LAUER.

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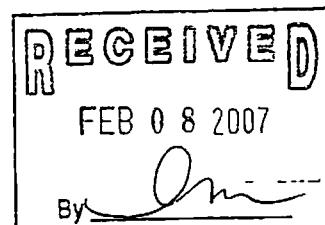
BE TRESPASS ON THE NWR, AS I WAS INFORMING OF THIS HE STATED TO ME "FUCK YOU, ILL DO WHAT I NEED TO DO" . I OBSERVED RUSKIEWICZ STARTING THE VEHICLE, I INFORMED HIM THAT HE WAS NOT FREE TO LEAVE, HE SAID "YOU CAN'T TELL ME WHAT TO DO, I DO NOT HAVE TO LISTEN TO YOU", I STATED AGAIN "YOU ARE NOT FREE TO LEAVE", I OBSERVED RUSKIEWICZ PUTTING THE VEHICLE IN DRIVE, I PLACED MY RIGHT HAND ON HIS LEFT ARM AND TOLD HIM TO "STOP", HE PRESSED THE GAS TO ACCELERATE THE VEHICLE AT A HIGH RATE OF SPEED, WHICH RESULTED IN DIRT FLYING UP FROM THE VEHICLE AND MY RIGHT ARM BEING OVEREXTENDED CAUSING PAIN AS HE DROVE AWAY.

AT THIS TIME I CALLED 911 TO ASK FOR BACK-UP, I INFORMED THEM OF MY LOCATION, I WAS PATCHED INTO WARWICK NEW YORK POLICE DEPARTMENT AND EXPLAINED MY SITUATION. DURING THIS TIME I FOLLOWED BEHIND THE VEHICLE WHICH WAS APPROXIMATELY 1/4 MILE AWAY. THE VEHICLE CAME TO A STOP AND I OBSERVED RUSKIEWICZ EXIT THE VEHICLE AND CLIMB ON TOP OF A OBSERVATION TOWER. I PULLED UP ON THE ROAD AS RUSKIEWICZ WAS WALKING DOWN THE TOWER. I EXITED MY VEHICLE TO MAKE CONTACT WITH HIM AGAIN.

AS RUSKIEWICZ WAS WALKING TOWARDS HIS VEHICLE I INFORMED HIM TO TURN AROUND AND PLACE HIS HANDS BEHIND HIS BACK. I PLACED HAND-CUFFS ON HIM AT THIS TIME AND ASKED HIM IF HE HAD ANY WEAPONS ON HIS PERSON, HE STATED NO, THEN CORRECTED HIMSELF AND SAID HE HAD A POCKET KNIFE INSIDE HIS PANT POCKETS. I DETERMINED IT WAS NOT ACCESSIBLE AND WALKED HIM TO THE REAR OF HIS VEHICLE AND ASKED HIM IF THERE WAS ANY WEAPONS IN THE TRUCK OR DRUGS. HE STATED THERE WAS NOT. I ASKED HIM IF I COULD SEARCH THE VEHICLE. HE STATED THAT I COULD IF I PUT HIS CAMERA INSIDE THE VEHICLE. I PUT HIS CAMERA INSIDE THE VEHICLE AND INFORMED HIM THAT THE CAMERA WAS INSIDE THE VEHICLE, HE SAID "YOU CAN SEARCH IT". HE STATED THERE WOULD BE LARGE AMOUNT OF MONEY ON THE FRONT SEAT. I OBSERVED A FEW ENVELOPES WITH PAYCHECKS BELOW IT AND RUSKIEWICZ CONFIRMED THAT WAS THE MONEY. AFTER ENSURING THERE WERE NO WEAPONS I PLACED RUSKIEWICZ IN MY POLICE VEHICLE IN THE CAGED BACK-SEAT OF THE TRUCK.

AT THIS TIME I CALLED MY SUPERVISIORS TO ADVISE THEM OF THE SITUATION. AT THIS TIME WARWICK POLICE OFFICERS TURNER AND MOON ARRIVED ON SCENE.

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